

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3142-01
Bill No.: Perfected SB 807
Subject: Civil Procedure; Civil Rights; Courts; Evidence; Judges
Type: Original
Date: April 14, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission**, and the – **Commissioner’s Office** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a previous version of the proposal, officials from the **Department of Labor and Industrial Relations**, **City of Kansas City**, and the **City of Springfield** assumed the proposal would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General (AGO)** assume the costs can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Conservation (MDC)** assume the proposed legislation would have an unknown fiscal impact on MDC funds.

ASSUMPTION (continued)

Officials from the **Department of Transportation (MoDOT)** assumed Missouri courts generally follow the “American Rule” in which all parties are responsible for their own costs. This legislation proposes to implement the “English Rule,” which provides that the prevailing party be reimbursed for attorneys fees and costs. MoDOT is unable to estimate the number of cases that may fall under this provision. MoDOT assumes an unknown cost to the Highway Fund.

DHT assumes Senate Amendment 2, which states the provisions in the bill would apply to all causes of action, would substantially increase the potential negative fiscal impact, although the exact amount is unknown. MoDOT assumes this amendment would authorize a court to grant early consideration of a special motion to dismiss, motion for judgment on the pleadings or summary judgment including suspending discovery until a final decision is reached in all causes of action (tort, condemnation, employment actions, etc.). If the provision is construed to all causes of action, then the corresponding provisions awarding attorneys fees to prevailing parties is also expanded to all causes of action.

Oversight assumes state agencies could experience increased costs or be reimbursed for attorneys fees and court costs, depending on whether or not they are the prevailing party. If state agencies experience increased costs, the funding could be addressed through the appropriations process.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small Businesses could experience a fiscal impact as a result of this proposal.

DESCRIPTION

The proposed legislation would grant early consideration of any action seeking money damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery would be suspended pending a final decision on the motion. The proposal would also mandate that if the rights of this section are used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party would be awarded. If the court finds the motion to dismiss is frivolous, the court would award costs and attorney fees to the prevailing party. If a party would raise the motion under the provisions of this act, the party would have the right to an expedited appeal. The provisions of the proposal would apply to all causes of action.

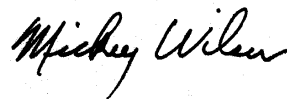
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
 – Administrative Hearing Commission
Office of State Courts Administrator
Department of Transportation
Department of Conservation
City of Kansas City
City of Springfield

NOT RESPONDING

Department of Labor and Industrial Relations



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Director

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